

CHAPTER 5
COMPENSATION

Section 1. Compensation Plan.

(a) The Human Resources Division shall establish and administer a consistent, equitable, and flexible Compensation Plan covering all state executive branch employees.

(b) All employees shall be paid within the pay rates established by and in accordance with the Compensation Plan and the State of Wyoming Compensation Policy.

(c) All agencies shall comply with the State of Wyoming Compensation Policy established by the Human Resources Division:

(i) All agency pay actions shall be subject to audit by the Human Resources Division.

Section 2. Salary Surveys.

(a) Data on the defined and relevant labor market that is representative of public and private sector employees shall be gathered regularly by the Human Resources Division.

Section 3. Pay Rates.

(a) The following information shall be established and set forth in the State of Wyoming Compensation Policy:

- (i) Hiring rates;
- (ii) Re-employment rates;
- (iii) Return from leave without pay rates; and
- (iv) Reinstatement rates.

Section 4. Compensation Adjustments.

(a) The following criteria apply to all pay adjustments unless otherwise specified:

(i) All pay adjustments shall have written justification and be submitted to the Human Resources Division;

(ii) Sequences affecting base pay adjustments will be established and set forth in the State of Wyoming Compensation Policy.

(b) Pay adjustments. An employee's pay may be adjusted in accordance with the State of Wyoming Compensation Policy.

(c) Other types of compensation adjustments may be implemented by the Human Resources Division based upon identified needs.

Section 5. Overtime.

(a) The overtime policy of the State of Wyoming shall be in accordance with and no more stringent than the provisions of the “Federal Fair Labor Standards Act of 1938”, as amended 29 U.S.C. 201 et seq., also known as the Act, as set forth in the State of Wyoming Compensation Policy.

(b) The Human Resources Division shall provide assistance to agencies regarding overtime policy interpretations.

(c) Agency heads shall be responsible for administering the overtime policy in accordance with the Act, these rules and the State of Wyoming Compensation Policy. These responsibilities include, but are not limited to:

(i) Coordinating with the Human Resources Division to periodically review and determine overtime compensation exemptions as authorized by the Act:

(A) In cases where the agency and the Human Resources Division disagree, the Human Resources Division shall make the final determination (W.S. 27-5-101(c)(i));

(ii) Enforcement of overtime rules to insure that overtime work is not performed if such work has not been officially authorized. The mere promulgation of a rule against unauthorized overtime work is insufficient enforcement.

(d) The following areas will be established and set forth in accordance with the State of Wyoming Compensation Policy:

- (i) Official State Workweek;
- (ii) Workweek Standard; and
- (iii) Exception to the Workweek Standard.

(e) Non-exempt employees.

(i) The following areas will be established and set forth in accordance with the State of Wyoming Compensation Policy:

- (A) Hours of Work Defined;
- (B) Meal Periods;
- (C) Rest Periods;
- (D) Sleeping Time;
- (E) Special Activities; and
- (F) Travel Time.

Section 6. Compensation upon Separation.

(a) The following areas will be established and set forth in accordance with the State of Wyoming Compensation Policy:

- (i) Vacation Leave;

- (ii) Sick Leave;
- (iii) Longevity; and
- (iv) Compensatory Time.

Section 7. **Executive Compensation.**

(a) Compensation for at-will directors, deputies, and division administrators will be covered under the State of Wyoming Compensation Policy.